



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 20, 2022

BY EMAIL

Michael Vitaliano, Esq.
Attorney for Jatiek Smith

Michael Bradley, Esq.
Attorney for Damon Dore

Susan Kellman, Esq.
Attorney for Sequan Jackson

Glen Kopp, Esq.
Dan Stein, Esq.
Attorneys for Rahmiek Lacewell

**Re: *United States v. Jatiek Smith, Sequan Jackson, Damon Dore, and Rahmiek Lacewell*
22 Cr. 352 (JSR)**

Counsel:

Based on your request, this letter provides notice, pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure ("Fed. R. Crim. P."), of certain expert testimony that the Government intends to offer during its case-in-chief at trial. The Government reserves the right to call additional expert witnesses, and will promptly provide notice if the Government elects to do so.

I. Disclosure by the Government

The Government hereby provides notice that it may call the following individuals, or similar witnesses, as expert witnesses at trial: (1) Federal Bureau of Investigation ("FBI") Special Agent Richard Busick; and (2) Detective Christopher Bruno of the New York City Police Department ("NYPD").

A. Cell Site Testimony

The Government expects that Special Agent Richard Busick, a certified member of the FBI's Cellular Analysis Survey Team ("CAST"), or another similar witness, will provide testimony concerning how cell sites work and his analysis of certain of the cell site records and call detail records previously produced in Rule 16 discovery in this case. Special Agent Busick is expected to prepare demonstrative exhibits for the cell site evidence that the Government will seek to introduce at trial. These exhibits will display some of the cell site information for cellphones belonging to the defendants and/or their co-conspirators at or around the times and places where certain acts of violence or extortion occurred. These include, but are not limited to, the following incidents:

- On or about September 15, 2020 in the vicinity of 119-53 229th Street, Cambria Heights;
- On or about November 13, 2020 in the vicinity of 505 East 93rd Street, Brooklyn
- On or about January 14, 2021 in the vicinity of 244 Montrose Avenue, Brooklyn;
- On or about April 5, 2021 in the vicinity of 32-07 68th Street, Queens;
- On or about May 24, 2021, in the vicinity of 123-16 145 Street, Queens; and
- On or about October 21, 2021, in the vicinity of 37 Reiss Lane, Staten Island.

We have attached, at Exhibit A, Special Agent Busick's maps reflecting the geographical locations of the cell sites to which certain phones used by the defendants and/or their co-conspirators connected on the particular dates listed above. Special Agent Busick reserves the right to modify those maps in advance of trial and supplement them with additional analysis. Special Agent Busick will testify, based on his training and experience (which includes, among other things, training in radio frequency and drive testing), as well as his examination of the cell site data, geolocation data, and maps provided in this case, that the cell site data he reviewed is consistent with the users of those phones being at the locations of the particular incidents described above at or around the times of those incidents. A copy of Special Agent Busick's *curriculum vitae* is attached as Exhibit B.

B. Expert on Gangs

The Government expects to call Detective Christopher Bruno of the NYPD, or another similar witness, to testify about the Bloods street gang, including, the following topics: (1) the structure and organization of the Bloods; and (2) coded language, symbols, hand gestures, and clothing used to signify membership in the Bloods. Detective Bruno will offer testimony relating to social media evidence, phone communications, and documents recovered during certain physical searches, including but not limited to the document bearing bates stamp USAO_042458. In particular, Detective Bruno will testify that communications, posts, and physical items from those sources contain Bloods codes, symbols, hand gestures, and clothing consistent with membership in the Bloods gang.

Detective Bruno has been with the NYPD since July 2006. Detective Bruno became an Investigator in 2013, a Detective in 2014, and a Second Grade Detective in 2022. He is currently assigned to the Federal Bureau of Investigations Safe Streets Gang Task Force and has been since December 2021.

Detective Bruno has been the lead and assisting investigator in numerous gang, organized crime, and narcotics investigations at both the state and federal level. In that capacity, Detective Bruno has been the lead investigator in three wiretap-related investigations. During his tenure in the Staten Island Gang unit, Detective Bruno conducted a wiretap investigation into a group of Bloods gang members who were involved in the sale of narcotics and a number shooting incidents. On both the state and federal level, Detective Bruno has been involved in over 100 interviews or debriefings, including of numerous Bloods members.

C. Additional Notice – Cell Phone Extraction

Although the Government maintains that such testimony would not constitute expert testimony, the Government wishes to notify you that absent a stipulation between the parties, we may call witnesses from the Homeland Security Investigations at the Department of Homeland Security (“HSI”) and/or from the FBI to testify regarding the extraction of data from certain cellular phones or electronic devices recovered from the defendants. Although this notice is being provided in an abundance of caution, Rule 16(a)(1)(G) does not require expert disclosures under these circumstances. *See United States v. Marsh*, 568 F. App’x 15, 16-17 (2d Cir. 2014) (summary order) (finding no error in allowing lay, non-expert testimony relating to search of electronic device where witness simply “explained his training,” “described” his search, and “testified to the contents of the messages retrieved from the phone”); *United States v. Berry*, 318 F. App’x 569, 569 (9th Cir. 2009) (unpublished opinion) (expert testimony not necessary where witness “simply testified to what he found on the hard drive of [defendant’s] computer, without expressing an opinion that required specialized knowledge or offering insight beyond common understanding”).

II. Demand for Reciprocal Discovery and Notice

In light of your request for the foregoing notice, the Government hereby requests reciprocal notice under Fed. R. Crim. P. 16(b)(1)(C). The Government also repeats its request for reciprocal discovery under Fed. R. Crim. P. 16(b). Specifically, the Government requests that you allow inspection and copying of any books, or copies or portions thereof, which are in the defendant’s possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial; and that you disclose any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant’s possession or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendant intends to call at trial.


Finally, pursuant to Fed. R. Crim. P. 12.1(a), the Government reiterates its demand for appropriate notice if the defendant intends to offer evidence relating to an alibi defense with respect to any of the acts of violence or extortion described above and in Special Agent Busick’s report attached in Exhibit A.

The Government also reiterates its request that the defendant disclose prior statements of witnesses he will call to testify, including expert witnesses. *See* Fed. R. Crim. P. 26.2; *United States v. Nobles*, 422 U.S. 225 (1975). We request that such material be provided on the same

basis upon which we agree to supply the defendant with 3500 material relating to Government witnesses.

Very truly yours,

DAMIAN WILLIAMS
United States Attorney

by: 

Rushmi Bhaskaran
Mollie Bracewell
Elizabeth Espinosa
Adam Hobson
Assistant United States Attorneys
(212) 637-2439 / 2218 / 2216 / 2484

Exhibit A

FBI CELLULAR ANALYSIS SURVEY TEAM

HISTORICAL MOBILE DEVICE LOCATION ANALYSIS



SA Richard V. C. Busick
FBI New York

FBI Case #: 245D-NY-3401520

Account Records Analyzed

(347) 233-9164 (T-Mobile)	(347) 445-8914 (T-Mobile)
(347) 471-9646 (T-Mobile)	(347) 552-8393 (T-Mobile)
(347) 662-1334 (T-Mobile)	(347) 861-1248 (T-Mobile)
(929) 263-5126 (T-Mobile)	(929) 320-8554 (T-Mobile)
(718) 414-9771 (AT&T)	

October 17, 2022



INTRODUCTION

1. Background

The Federal Bureau of Investigation (FBI) Cellular Analysis Survey Team (CAST) was requested by the United States Attorney's Office for the Southern District of New York to analyze cell phone records for (347) 233-9164, (347) 445-8914, (347) 471-9646, (347) 552-8393, (347) 662-1334, (347) 861-1248, (718) 414-9771, (929) 263-5126, and (929) 320-8554 ("target cell phones").

2. Methodology

An analysis was performed on the call detail records obtained for the target cell phones. The call detail records documented the network interaction to and from the target cell phones. Additionally, the records documented the cell tower and cell sector ("cell site") which served each cell phone during this activity. Used in conjunction, the call detail records and a list of cell site locations illustrate an approximate location of each target cell phone when it initiated contact with the network.

2.1 Cell Site Locations

Cell sites in existence during the time of the incident were input into mapping software using latitude/longitude coordinates of the cell sites provided by the service provider through the National Domestic Communications Assistance Center (NDCAC). The cell sites associated with the target cell phone were plotted utilizing the mapping software and cell site data.

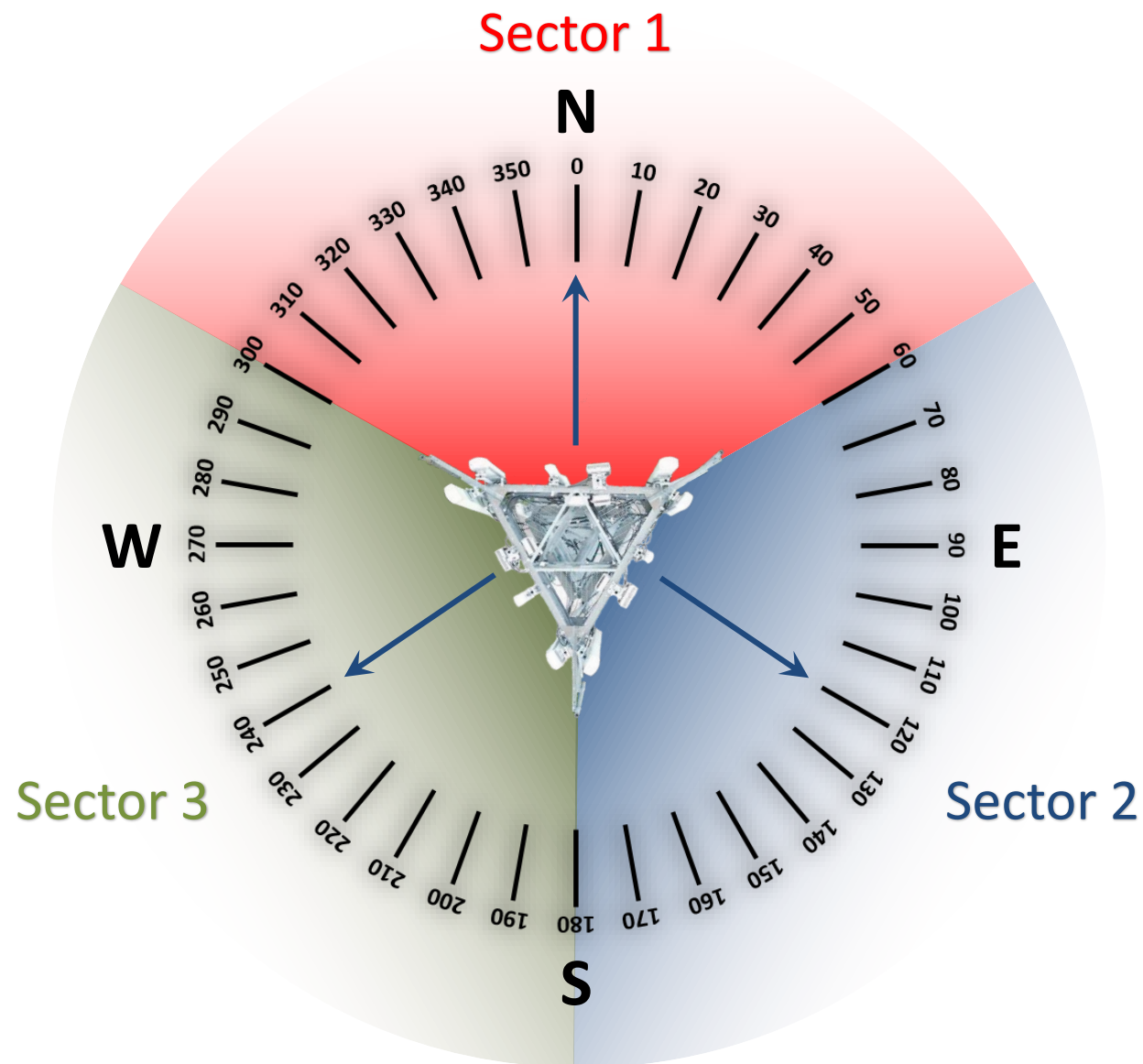
3. Conclusions

A historical cell site analysis was performed on the call detail records for the target cell phone. The methods detailed in Sections 2 and 2.1 were used to produce the attached historical cell site analysis maps.



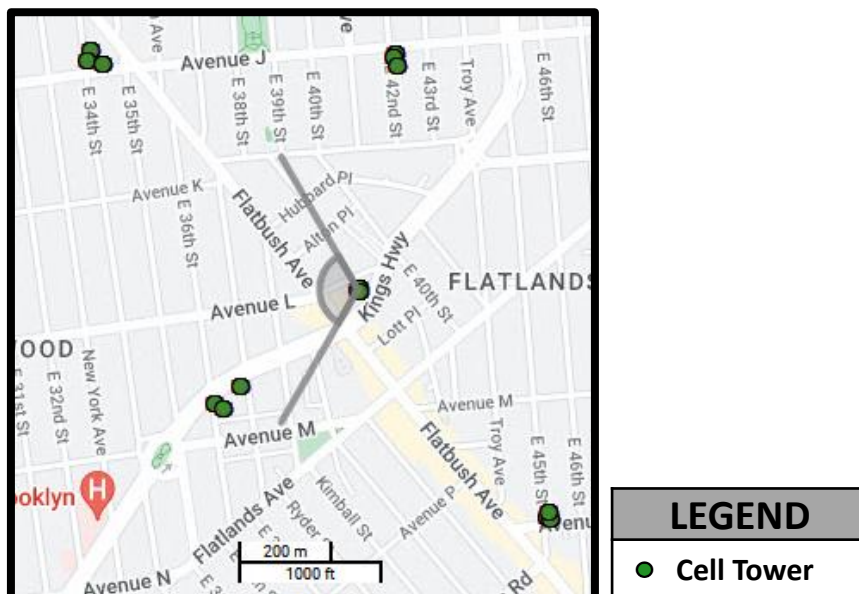
SECTORS AND ORIENTATION

- Typical towers are configured with three sectors
- The center of each sector is identified by an azimuth (compass direction) expressed in degrees
- Unless otherwise noted, each sector covers approximately 120°



MAP ILLUSTRATIONS

Three Sector Illustration



- Active sectors are displayed as a wedge with a shaded arc
- The shaded arc solely indicates the general direction of the radio frequency signal
- The sector orientation can vary by cell site and service provider

Event Box Illustration



Target Number (347) 233-9164

- 1 Cell ID Number (Unique within each network)
- 2 Date of Records
- 3 Local Time
- 4 Direction: Incoming Call, Outgoing Call, Forwarded
- 5 Duration in Seconds (Voice)
- 6 Event Type: Voice, Voicemail, SMS
- 7 Number Associated with Entry (non-Target Number)

* In the example above, Target Number (347) 233-9164, made an outgoing voice call to (347) 702-3297 at 10:06 AM on 9/15/2020. The call lasted for 729 seconds (12 minutes and 9 seconds).

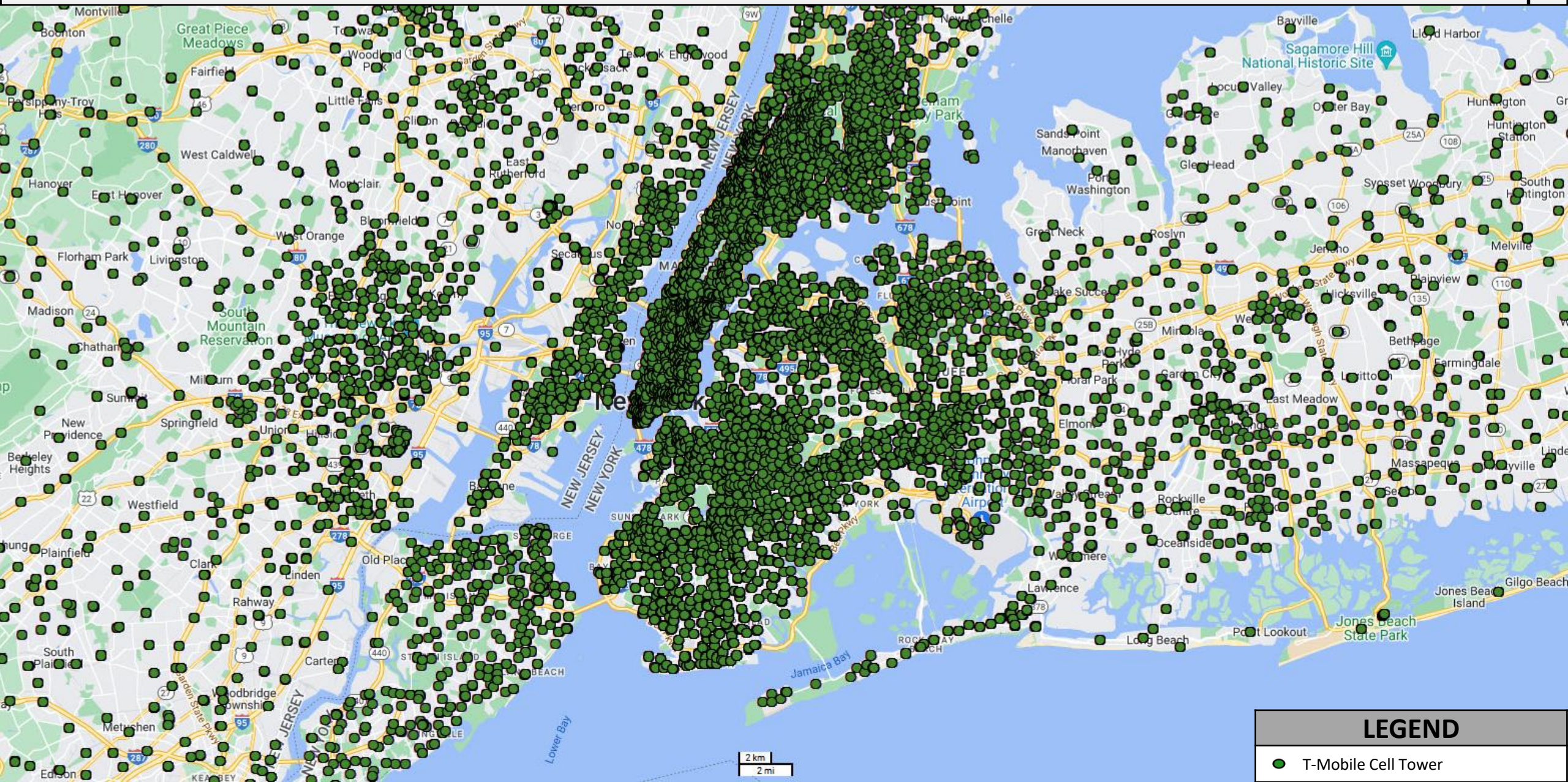


GEOGRAPHIC OVERVIEW

Case 1:22-cr-00352-JSR Document 148-1 Filed 02/14/23 Page 10 of 37



Page 5





CELL PHONE ATTRIBUTION

347-233-9164 – McGee

347-445-8914 – Hasim

347-471-9646 – Pereira

347-552-8393 – Lacewell

347-662-1334 – Jackson

347-861-1248 – Dore

718-414-9771 – Small

929-320-8554 – Jatiek (1)

929-263-5126 – Jatiek (2)



September 15, 2020

Case 1:22-cr-00352-JSR Document 148-1 Filed 02/14/23 Page 12 of 37



Page 7

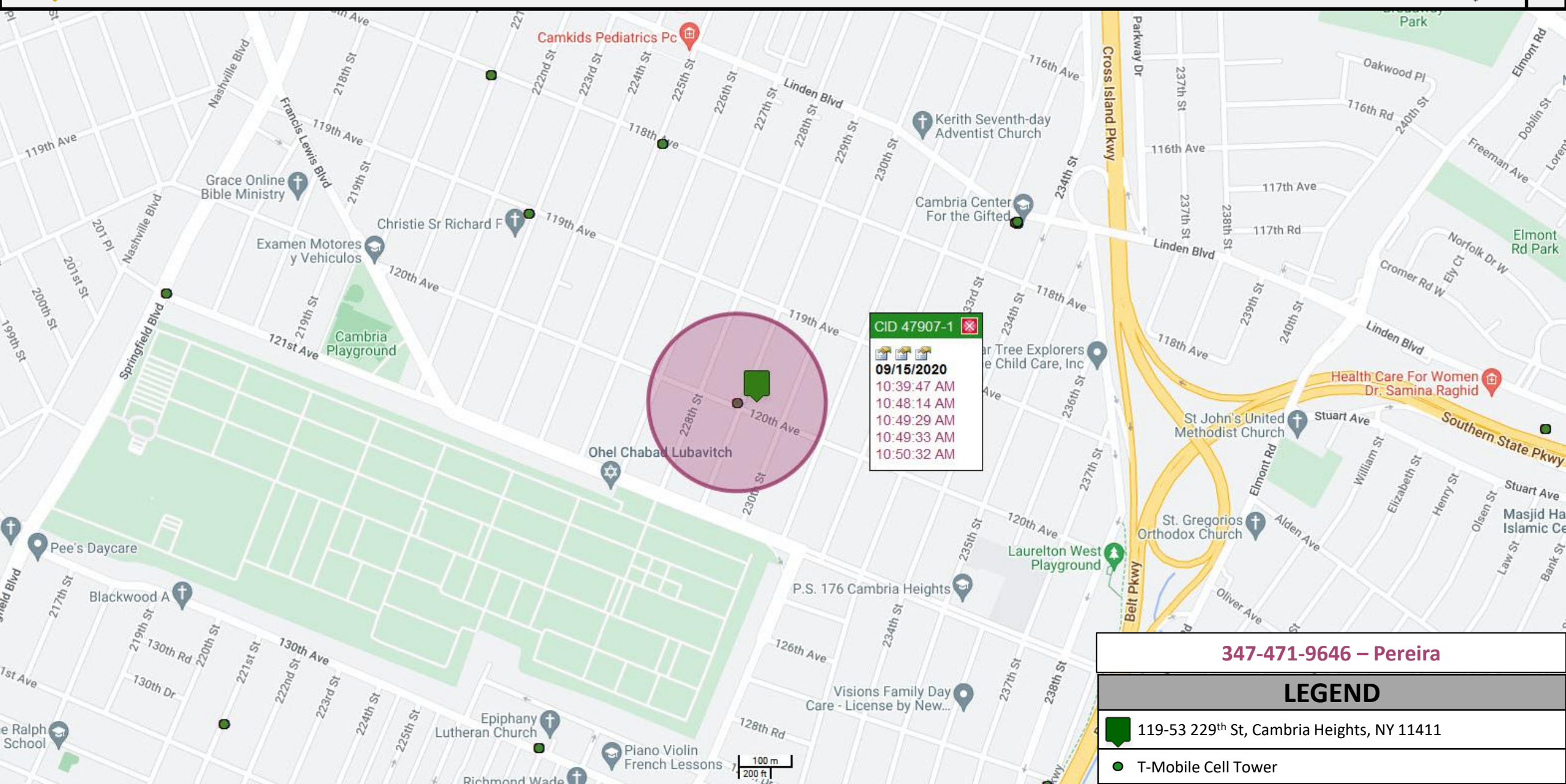
119-53 229th St, Cambria Heights, NY 11411

347-233-9164 – McGee

347-471-9646 – Pereira



347-471-9646



347-471-9646 – Pereira

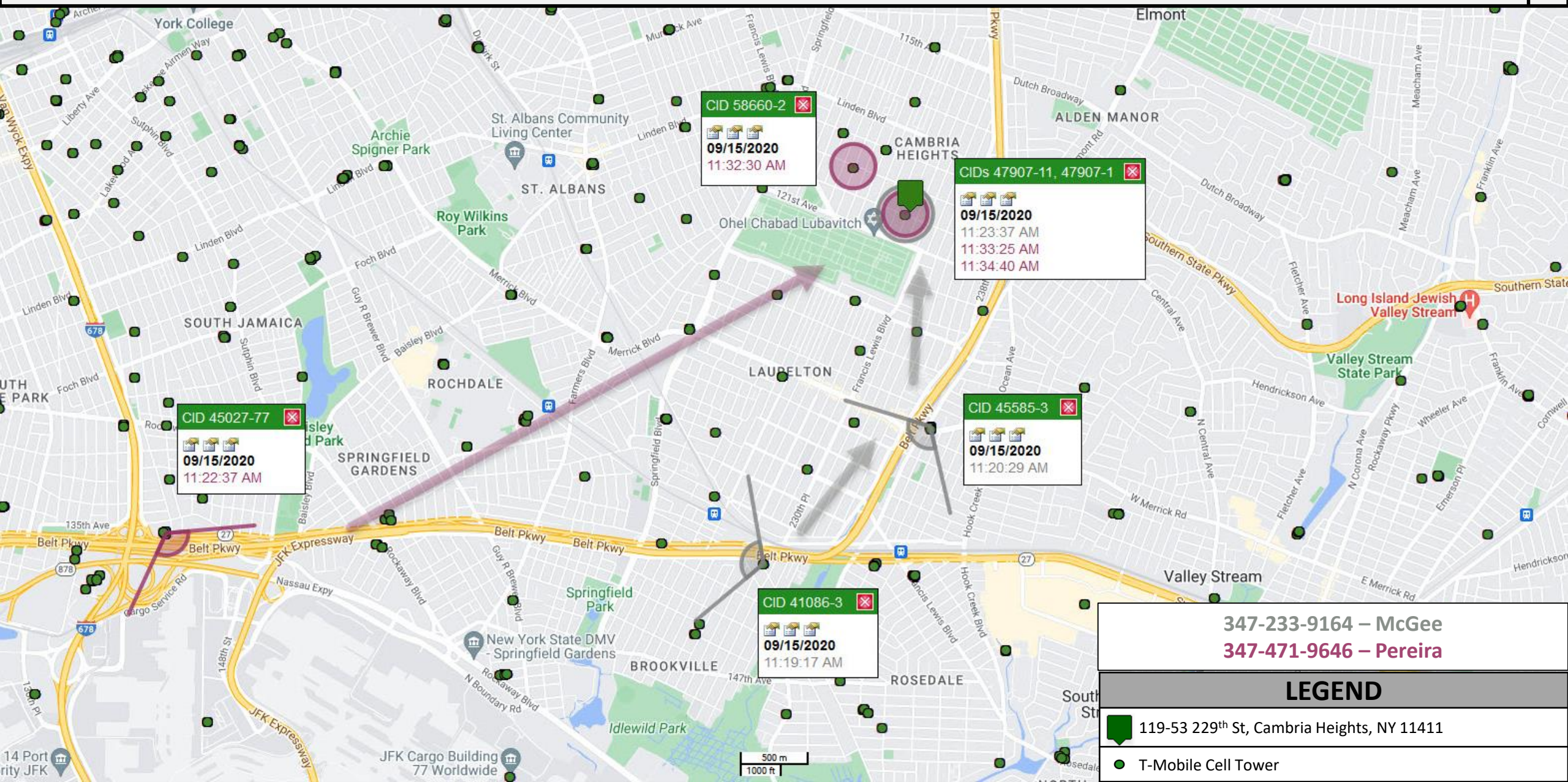
LEGEND

119-53 229th St, Cambria Heights, NY 11411

T-Mobile Cell Tower



347-233-9164 and 347-471-9646





November 13, 2020

Case 1:22-cr-00352-JSR Document 148-1 Filed 02/14/23 Page 15 of 37



Page 10

505 E 93rd St, Brooklyn, NY 11212

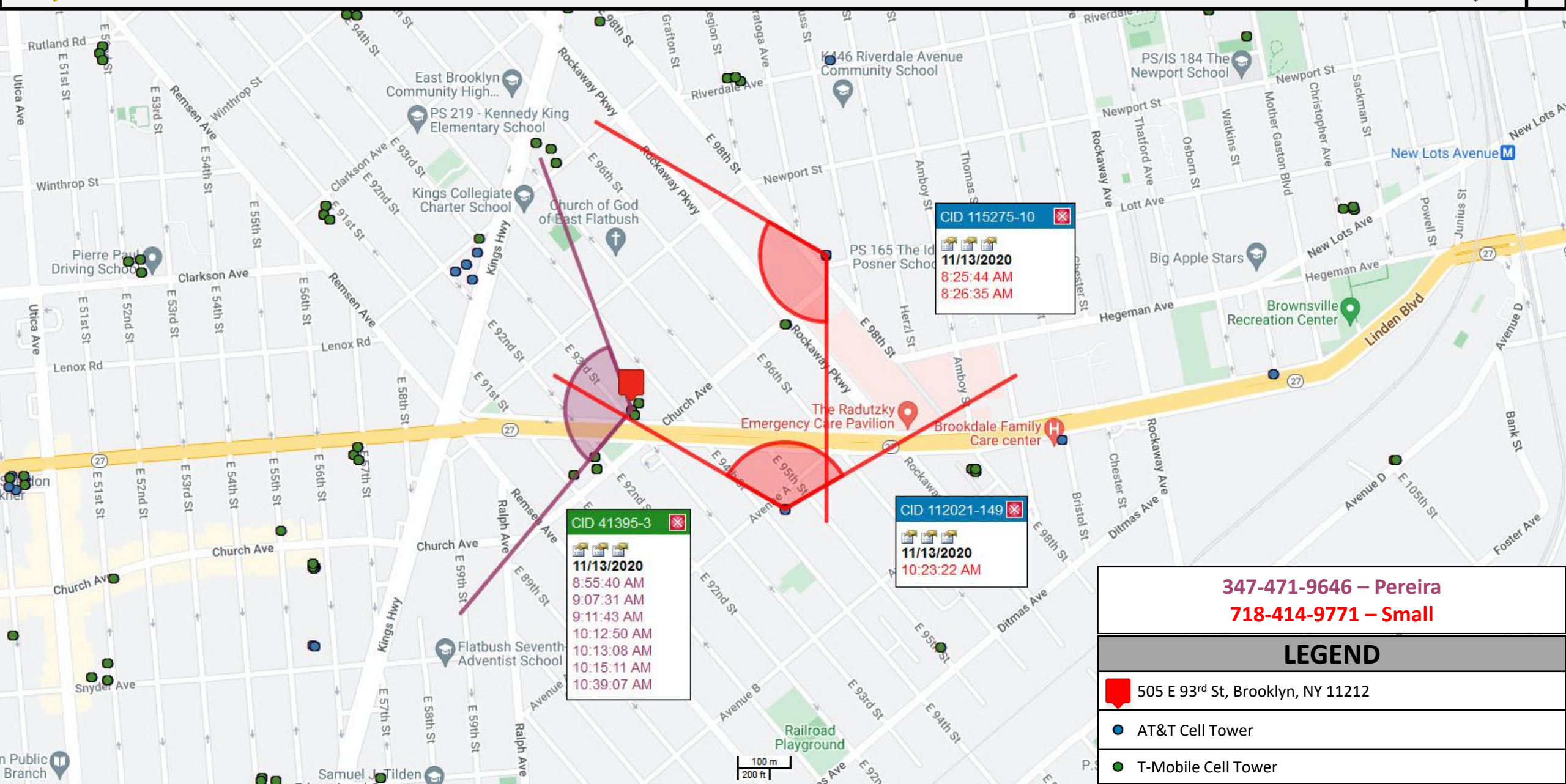
347-233-9164 – McGee

347-471-9646 – Pereira

718-414-9771 – Small



347-471-9646 and 718-414-9771



CID 115275-10
11/13/2020
8:25:44 AM
8:26:35 AM

CID 41395-3
11/13/2020
8:55:40 AM
9:07:31 AM
9:11:43 AM
10:12:50 AM
10:13:08 AM
10:15:11 AM
10:39:07 AM

CID 112021-149
11/13/2020
10:23:22 AM

347-471-9646 – Pereira
718-414-9771 – Small

LEGEND

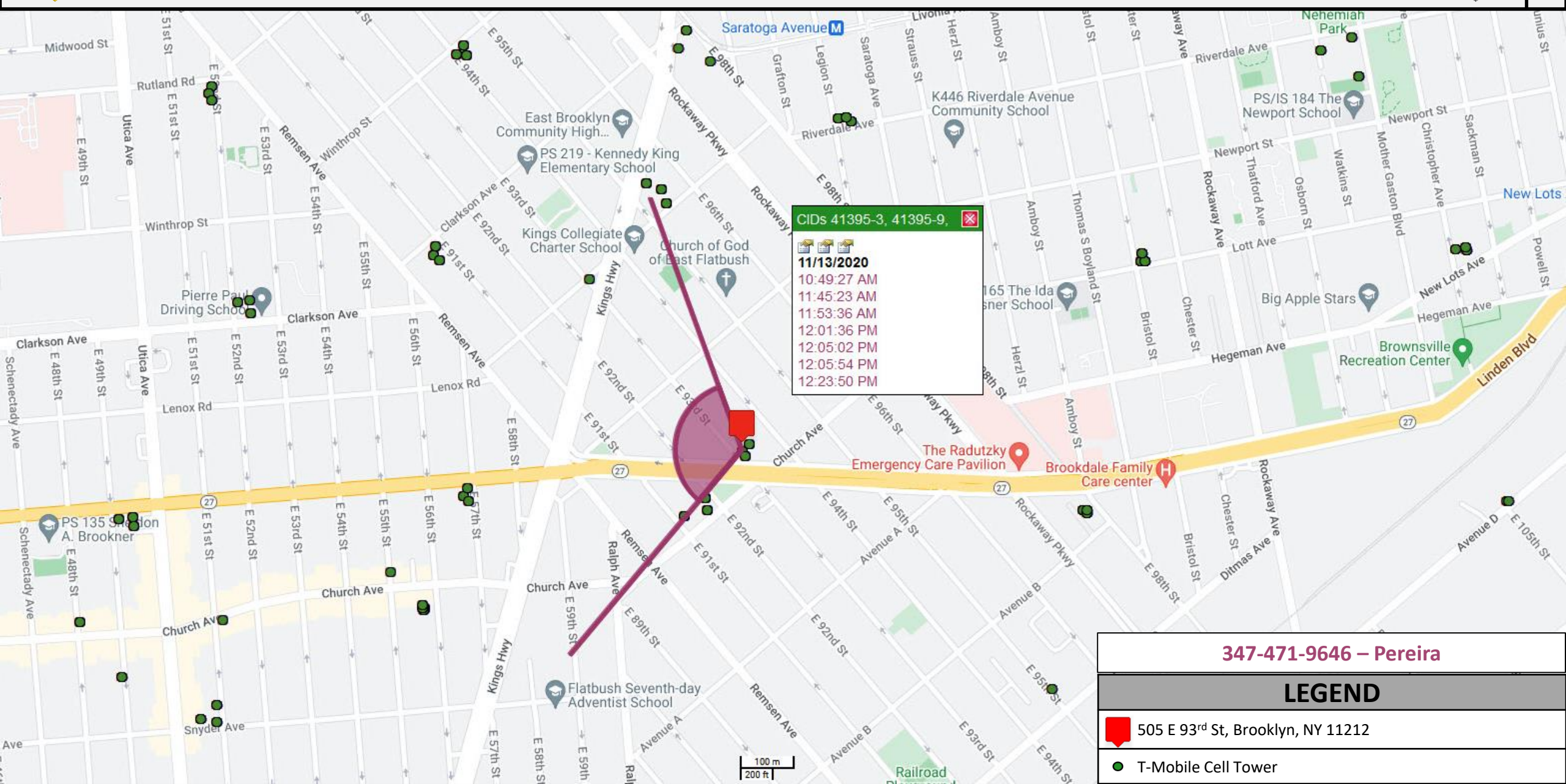
505 E 93rd St, Brooklyn, NY 11212

AT&T Cell Tower

T-Mobile Cell Tower




347-471-9646



347-471-9646 – Pereira

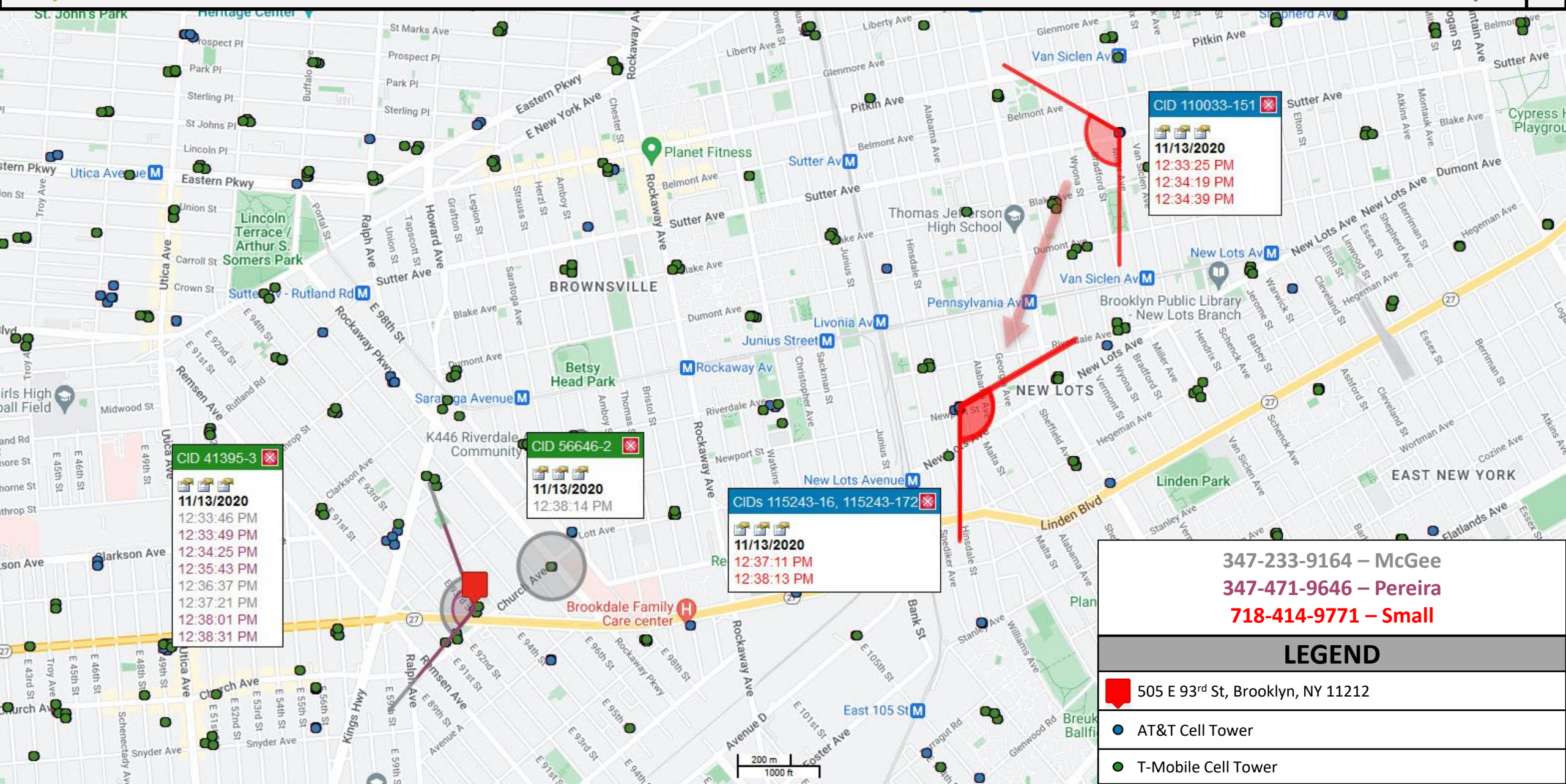
LEGEND

 505 E 93rd St, Brooklyn, NY 11212

 T-Mobile Cell Tower

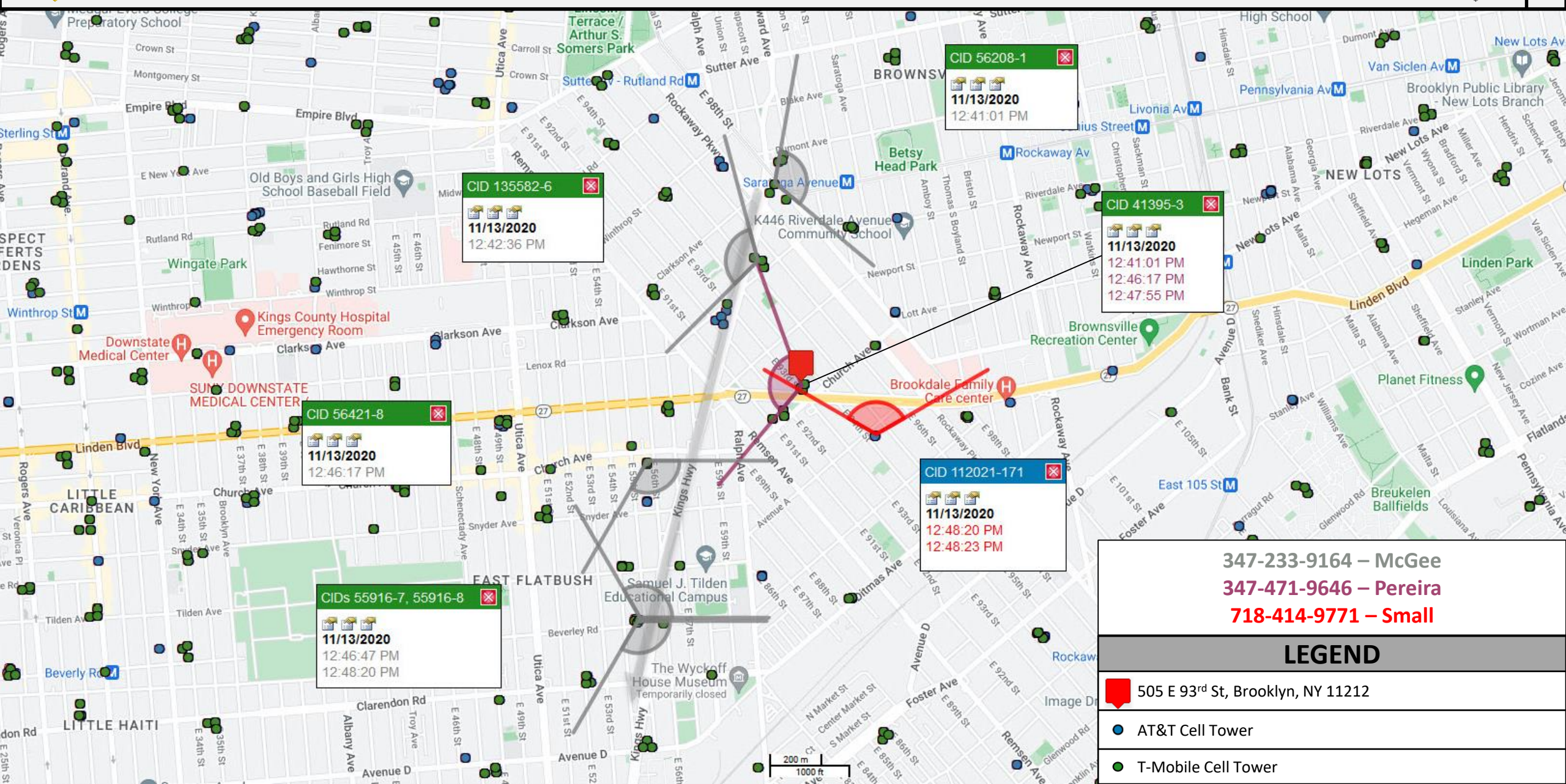


347-471-9646, 347-233-9164, and 718-414-9771





347-471-9646, 347-233-9164, and 718-414-9771



347-233-9164 – McGee
347-471-9646 – Pereira
718-414-9771 – Small

LEGEND

505 E 93rd St, Brooklyn, NY 11212

AT&T Cell Tower

T-Mobile Cell Tower



January 14, 2021

Case 1:22-cr-00352-JSR Document 148-1 Filed 02/14/23 Page 20 of 37



Page 15

244 Montrose Ave, Brooklyn, NY 11206

347-471-9646 – Pereira

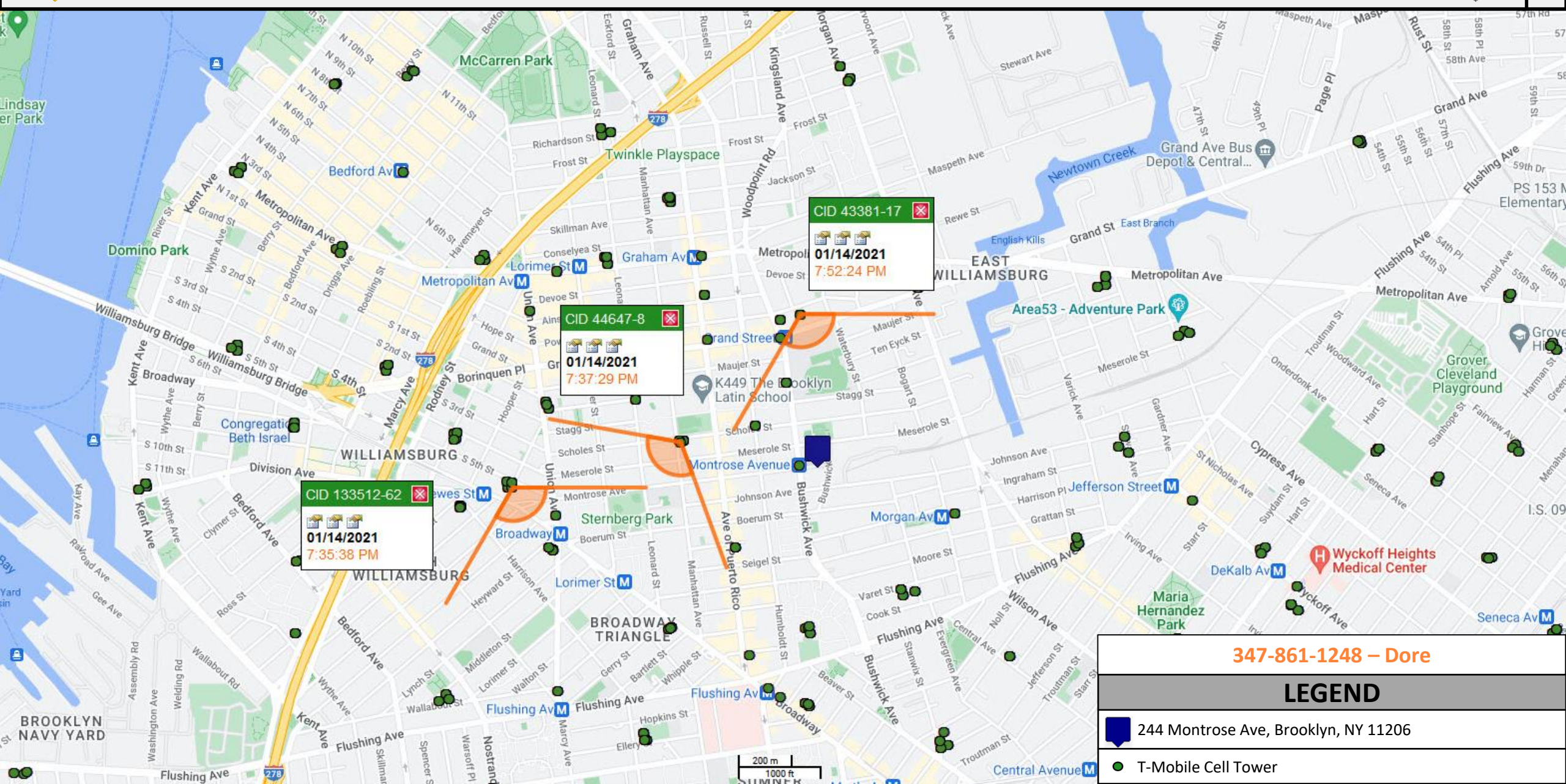
347-861-1248 – Dore

929-320-8554 – Jatiek (1)

929-263-5126 – Jatiek (2)



347-861-1248



347-861-1248 – Dore

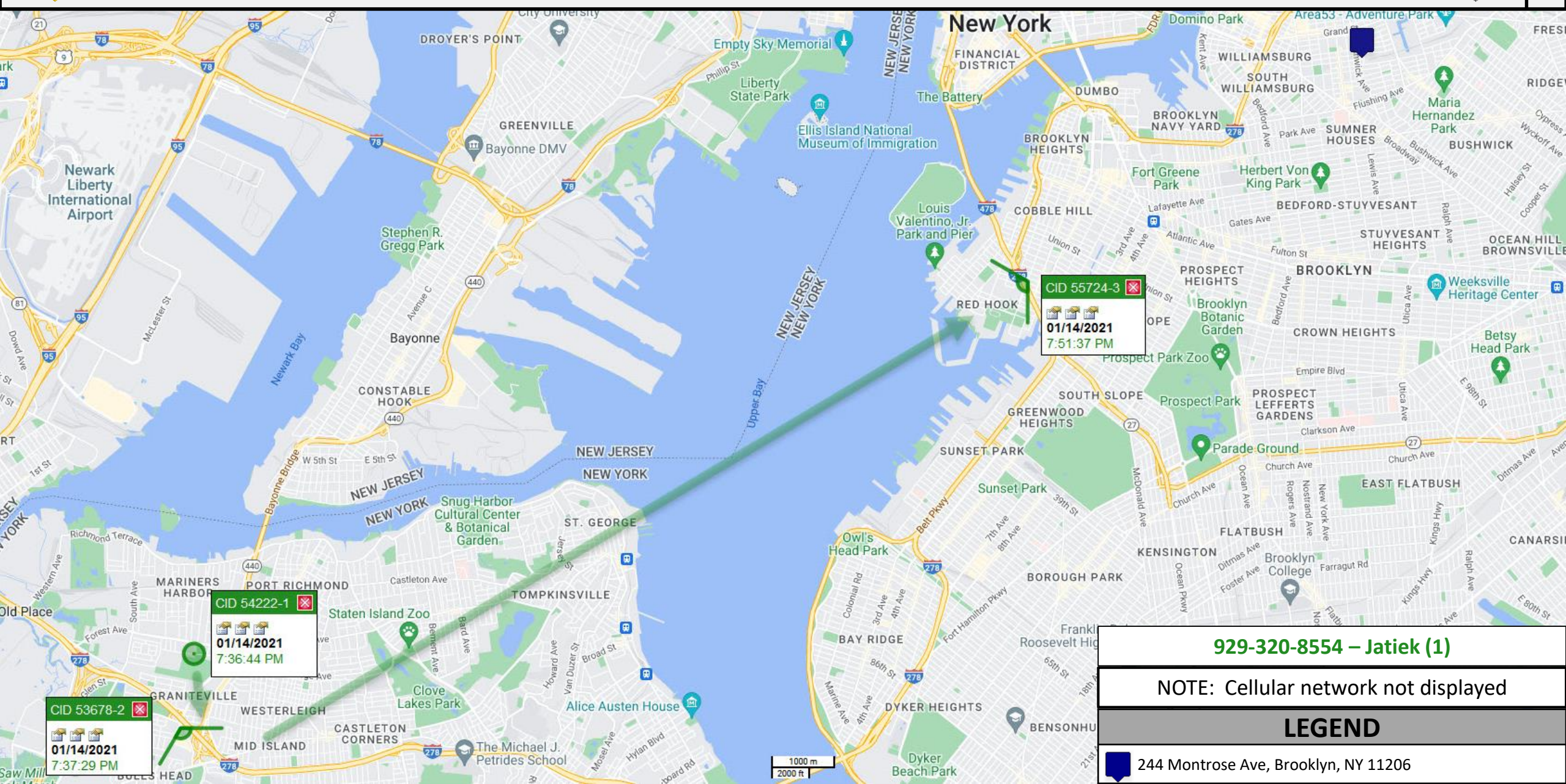
LEGEND

 244 Montrose Ave, Brooklyn, NY 11206

 T-Mobile Cell Tower



929-320-8554



CID 53678-2
01/14/2021
7:37:29 PM

CID 54222-1
01/14/2021
7:36:44 PM

CID 55724-3
01/14/2021
7:51:37 PM

929-320-8554 – Jatiek (1)

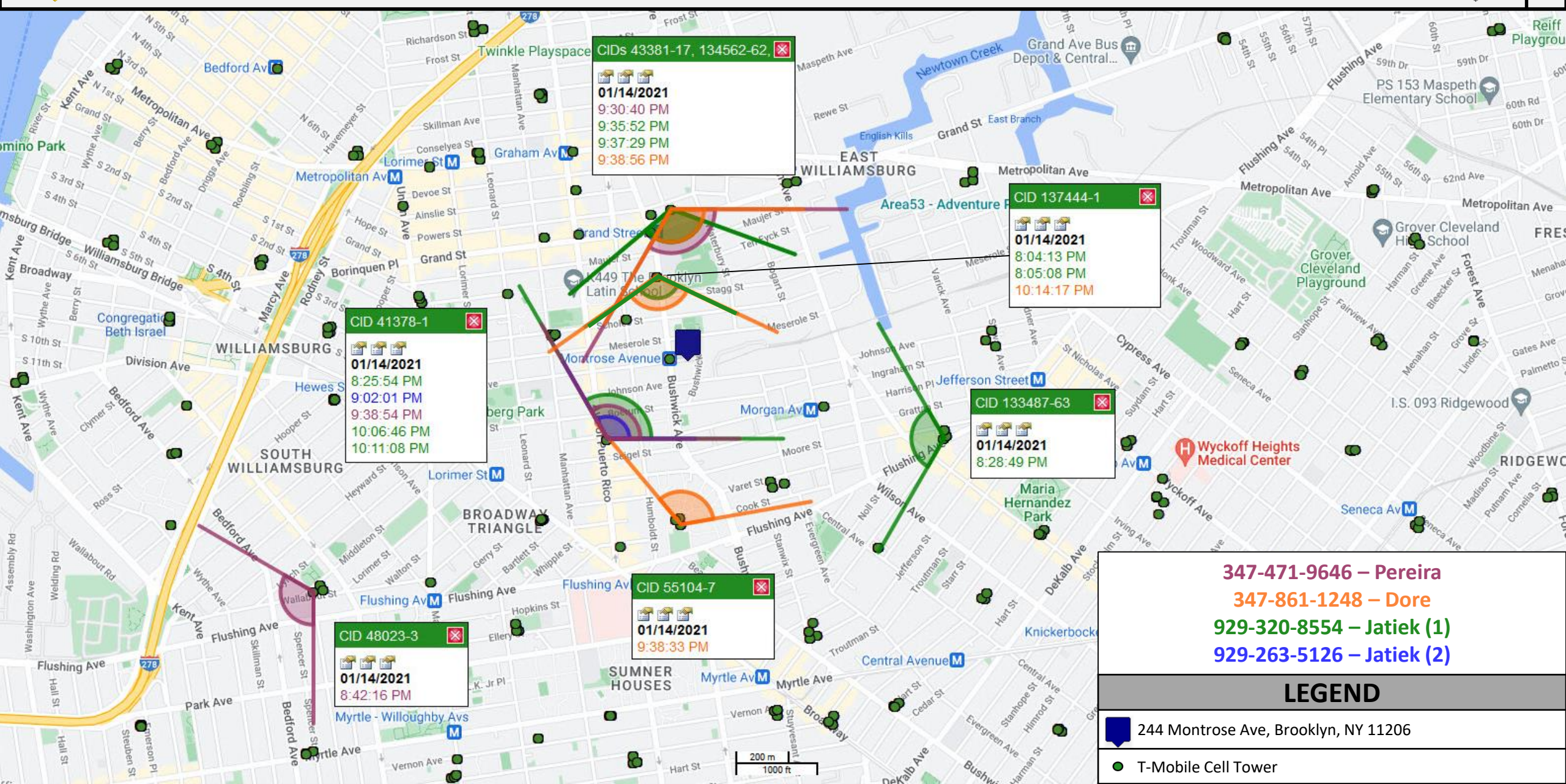
NOTE: Cellular network not displayed

LEGEND

244 Montrose Ave, Brooklyn, NY 11206



347-471-9646, 347-861-1248, 929-263-5126, and 929-320-8554





April 5, 2021

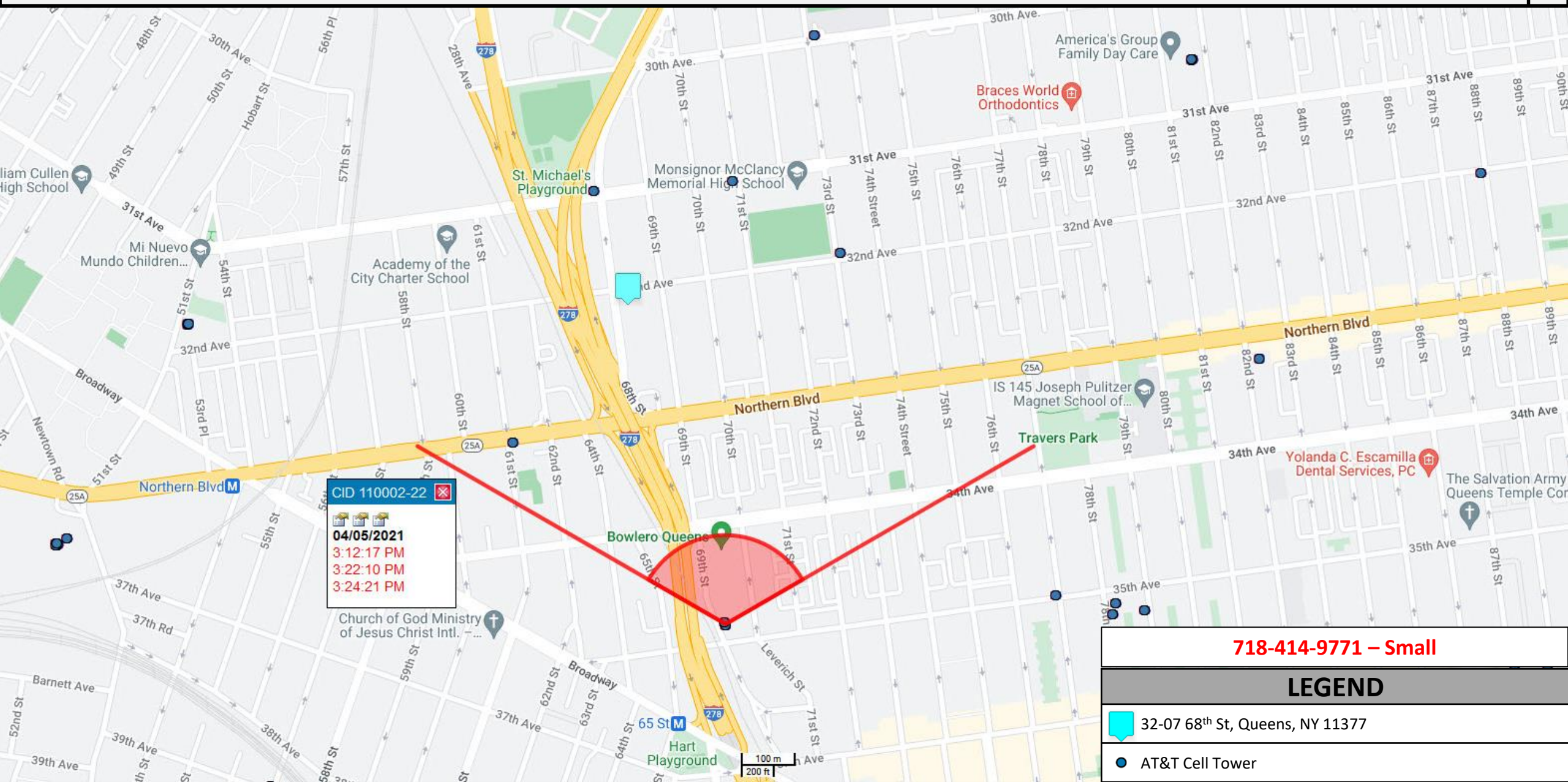
Case 1:22-cr-00352-JSR Document 148-1 Filed 02/14/23 Page 24 of 37



Page 19

32-07 68th St, Queens, NY 11377

718-414-9771 – Small





May 24, 2021

Case 1:22-cr-00352-JSR Document 148-1 Filed 02/14/23 Page 26 of 37



Page 21

123-16 145th St, Queens, NY 11436

347-662-1334 – Jackson

347-861-1248 – Dore

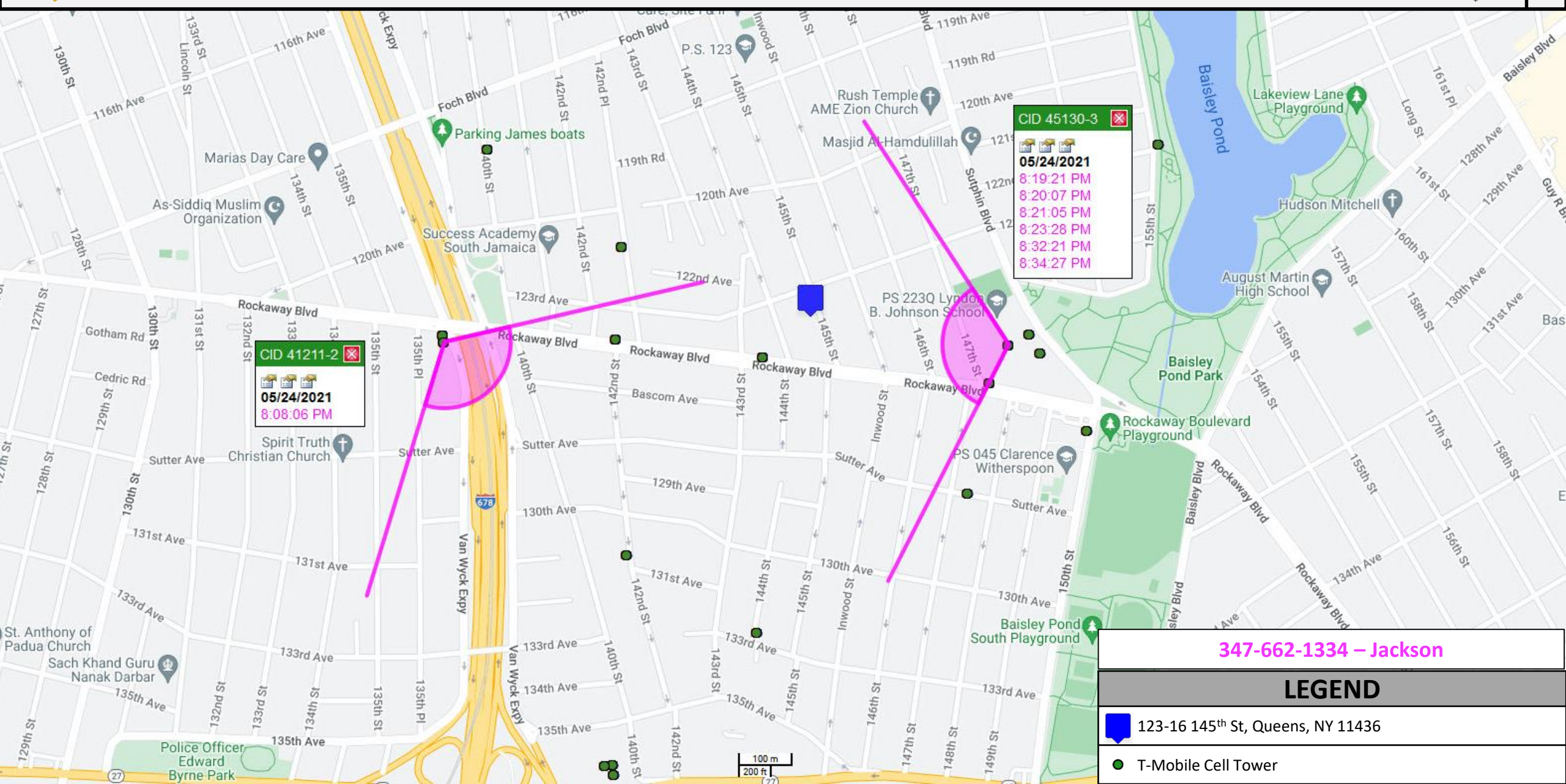
718-414-9771 – Small

929-320-8554 – Jatiek (1)

929-263-5126 – Jatiek (2)



347-662-1334



347-662-1334 – Jackson

LEGEND

123-16 145th St, Queens, NY 11436

T-Mobile Cell Tower



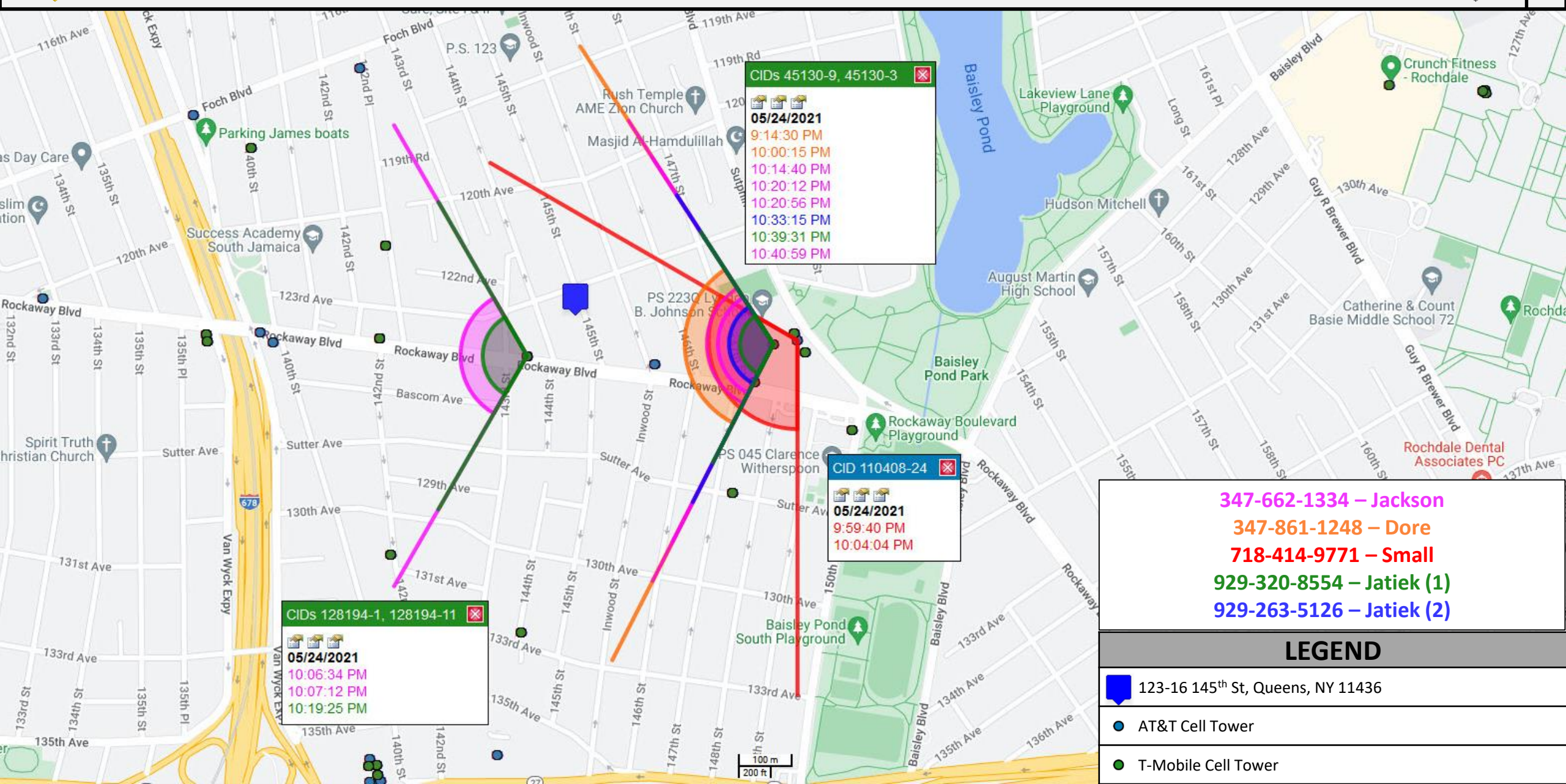
May 24, 2021 9:14 PM – 10:48 PM

Case 2:21-cv-00352-JSR Document 148-1 Filed 02/14/23 Page 28 of 37



Page 23

347-662-1334, 347-861-1248, 718-414-9771, 929-263-5126, and 929-320-8554





October 18, 2021

Case 1:22-cr-00352-JSR Document 148-1 Filed 02/14/23 Page 29 of 37



Page 24

37 Reiss Ln, Staten Island, NY 10304

347-445-8914 – Hasim

347-552-8393 – Lacewell

347-662-1334 – Jackson

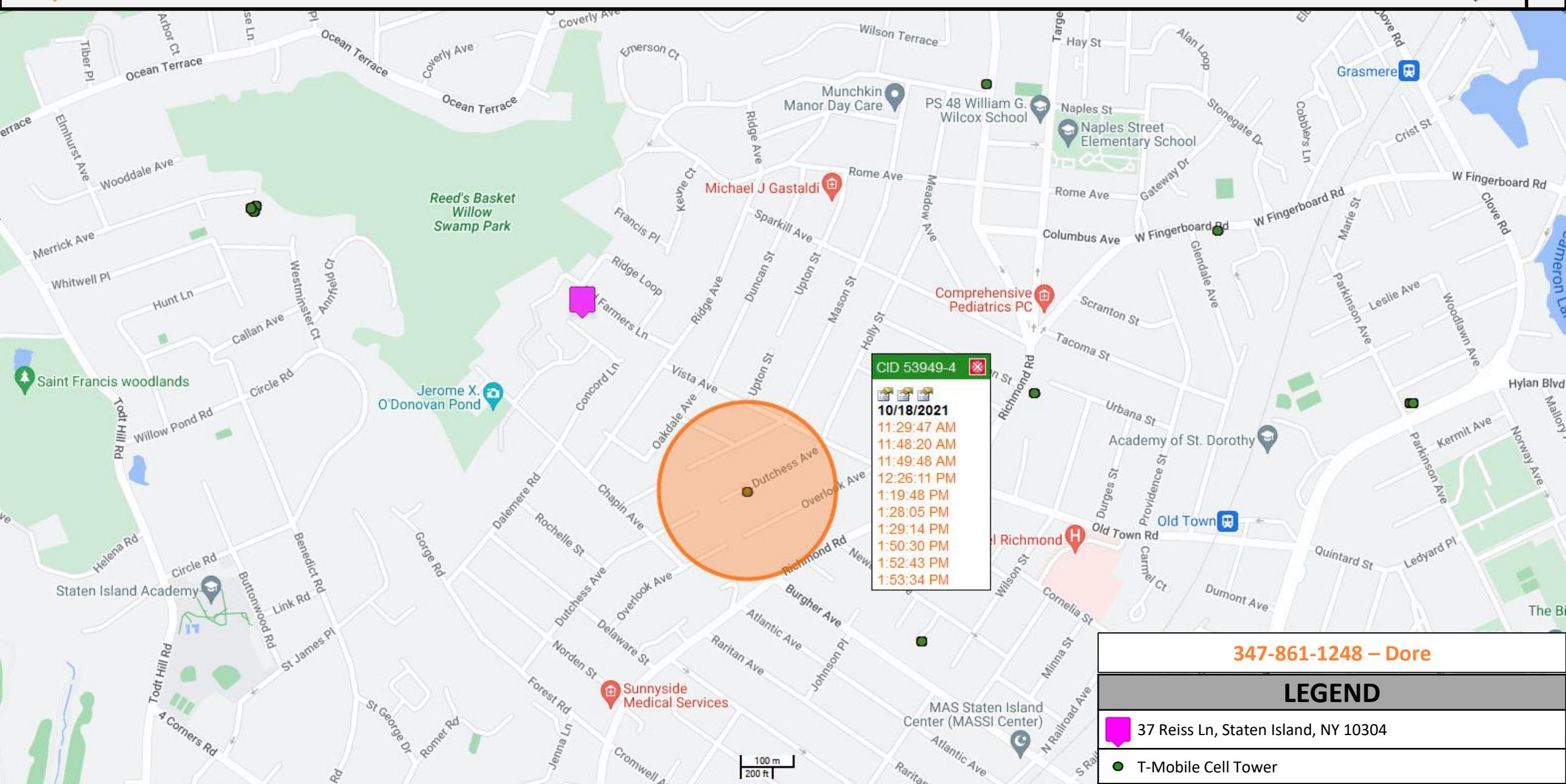
347-861-1248 – Dore

929-320-8554 – Jatiek (1)

929-263-5126 – Jatiek (2)



347-861-1248



CID 53949-4

10/18/2021

11:29:47 AM
11:48:20 AM
11:49:48 AM
12:26:11 PM
1:19:48 PM
1:28:05 PM
1:29:14 PM
1:50:30 PM
1:52:43 PM
1:53:34 PM

347-861-1248 – Dore

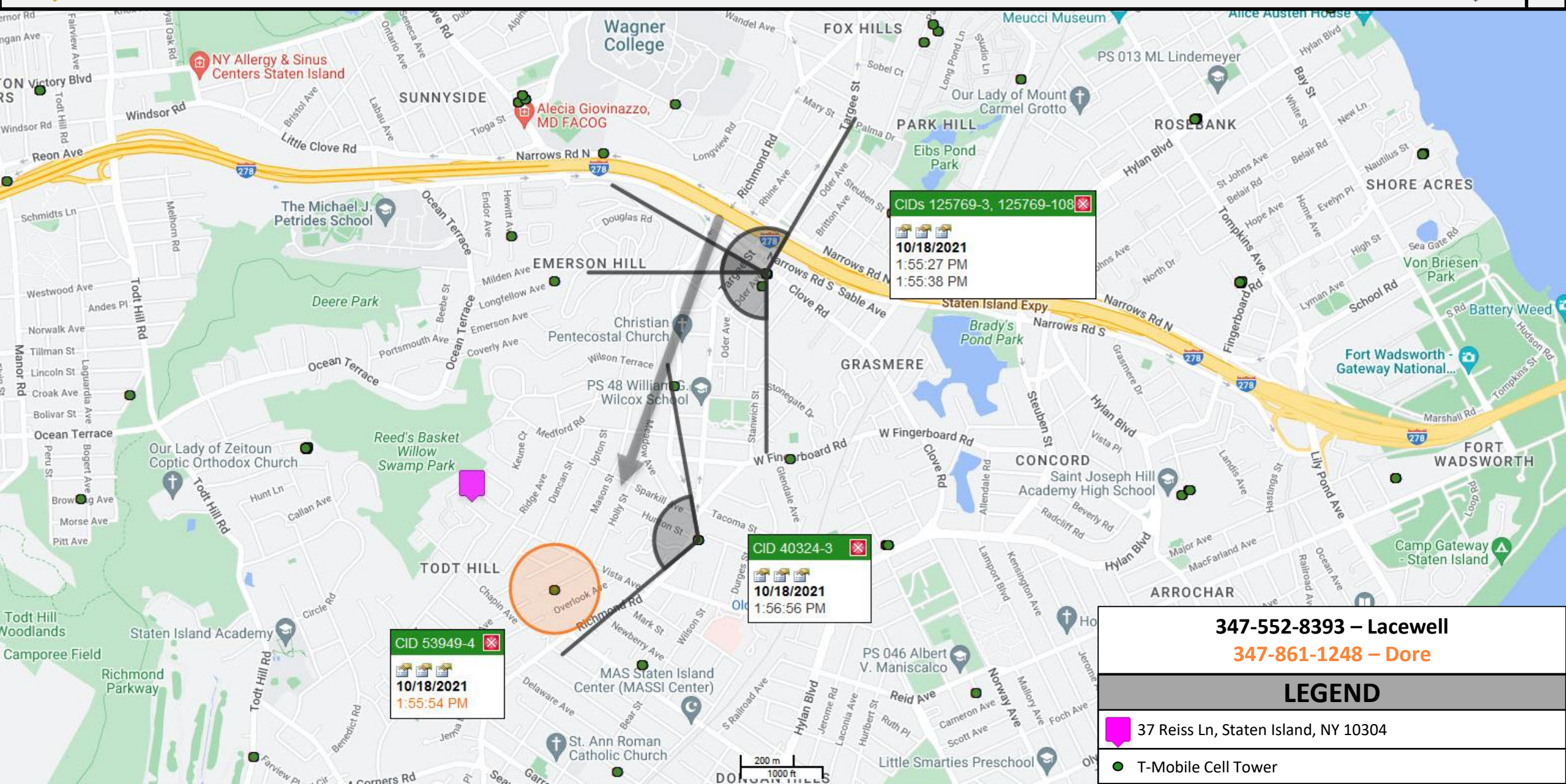
LEGEND

37 Reiss Ln, Staten Island, NY 10304

T-Mobile Cell Tower



347-861-1248 and 347-552-8393



CIDs 125769-3, 125769-108
10/18/2021
1:55:27 PM
1:55:38 PM

CID 40324-3
10/18/2021
1:56:56 PM

CID 53949-4
10/18/2021
1:55:54 PM

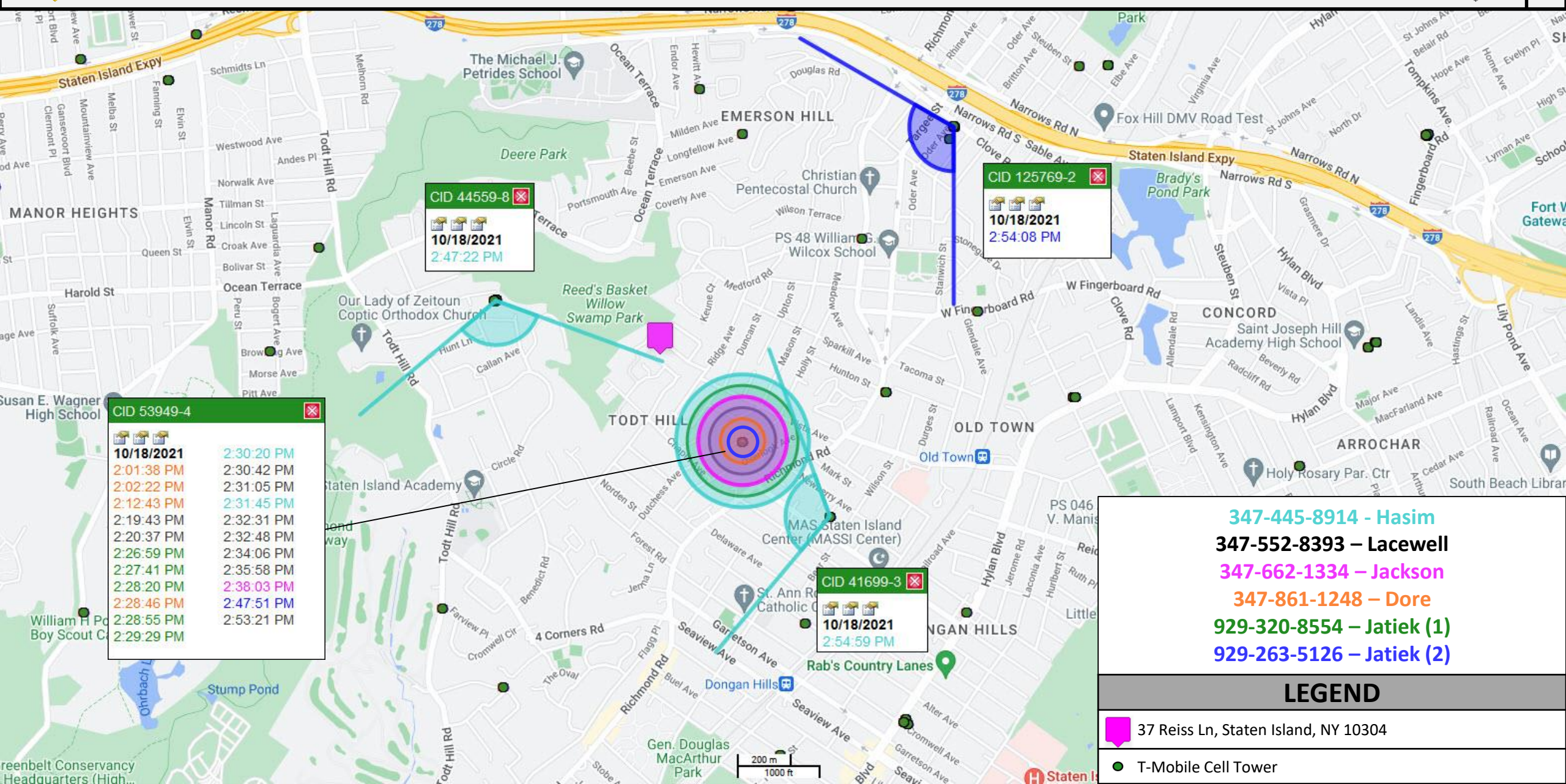
347-552-8393 – Lacewell
347-861-1248 – Dore

LEGEND

- 37 Reiss Ln, Staten Island, NY 10304
- T-Mobile Cell Tower



347-445-8914, 347-552-8393, 347-662-1334, 347-861-1248, 929-263-5126, 929-320-8554





END OF REPORT



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Exhibit B

CURRICULUM VITAE**Richard V. C. Busick V**

Federal Bureau of Investigation
 New York Office
 26 Federal Plaza
 New York, New York 10278
 rvbusick@fbi.gov

PROFESSIONAL EXPERIENCE
Federal Bureau of Investigation
Special Agent

New York, NY
 June 2002 – Present

Certified member of the Cellular Analysis Support Team (CAST). Assigned to the Operational Support Division to provide CAST services to the Criminal Division of the New York Office. Analyze call detail records (CDRs), historical cell site information, Google precision location information, and other cellular telephone, social media, and internet records in furtherance of priority investigations and to locate victims and subjects in exigent situations.

Assigned to the Joint Bank Robbery/Violent Crime Task Force from September 2011 to October 2021. Conducted investigations into federal violent crimes including bank robbery, armored car robbery, kidnapping, assaults on federal officials, interstate threats, crimes on the high seas, Hobbs Act robbery, murder for hire, and others. Regularly utilized records including CDRs, historical cell site, and a variety of other data sources to further these investigations and locate subjects, missing persons, and kidnap victims.

Previous assignments include investigating violent crimes and gangs as part of the Hudson Valley Safe Streets Task Force (2009 – 2011), investigating international money laundering and drug trafficking on the New York Organized Crime Drug Enforcement Strike Force (2004 – 2009), and conducting counterterrorism investigations on the Joint Terrorist Task Force (2002 – 2004). These assignments required extensive use of sophisticated investigative techniques including pen registers, Global Positioning System (GPS) tracking, Title III electronic intercepts, and others. Assigned to the New York Special Weapons and Tactics (SWAT) Team (2007 – 2018) and served as an assault team leader (2013 – 2018), regularly utilizing historical and real-time mobile device geolocation data to locate targets prior to and during SWAT missions. Deployed to Iraq (2007) and Afghanistan (2010) on assignments in furtherance of the FBI's counterterrorism mission and in support of U.S. and Coalition Forces.

United States Navy Reserve – Office of Naval Intelligence
Intelligence Officer

Fort Dix, NJ
 May 2018 – Present

Serve as a Division Officer in the Operations Department of a Navy Reserve unit supporting the Office of Naval Intelligence – Nimitz Maritime Intelligence Center. Lead and oversee enlisted Intelligence Specialists collecting intelligence and conducting analysis on transnational threats in the maritime domain. This mission includes identifying, characterizing, and tracking vessels of interest using commercial software, open sources, and signals intelligence capabilities as well as providing analysis in response to specific tasking and standing requirements.

Manchester Police Department
Police Officer

Manchester, CT
 September 1996 – June 2002

Responded to emergencies and other calls for service, conducted investigations of a variety of incidents and criminal offenses. Enforced motor vehicle and criminal laws. Authored arrest and search warrants. Searched for and located missing persons. Located and arrested wanted persons and fugitives. Served as Field Training Officer and trained new police officers on all facets of the duties of a patrol officer as part of a formalized field training program. Served as a member of a regional SWAT team which involved responding to critical incidents and safely apprehending armed and dangerous or otherwise violent persons.

EDUCATION

Johns Hopkins University, <i>Master of Arts in Government</i>	Washington, DC	2020
Johns Hopkins University, <i>Graduate Certificate in Intelligence</i>	Washington, DC	2016
The College of William and Mary in Virginia, <i>Bachelor of Arts in Sociology</i>	Williamsburg, VA	1997

PROFESSIONAL TRAINING

Cellular Analysis Survey Team (CAST) Recertification Conference (March 2022) – 24 hour course including instruction from the major cellular providers, Apple, Ford, and other representatives from the telecommunications and social media industry. Topics covered included technology and network updates, Radio Frequency (RF) and cellular network engineering with regard to locating mobile devices, analysis of historical cell site and geolocation data including the use of data session records, connected cars and vehicle telematics, and other related topics.

CAST Certification Course (August – September 2021) – 160 hour course including 40 hours of instruction from the Florida Institute of Technology on RF Theory and cellular networks including Global System for Mobile communications (GSM), Code Division Multiple Access (CDMA), Universal Mobile Telecommunications Service (UMTS), Long Term Evolution (LTE), and Fifth Generation Mobile Network (5G) protocols. Classroom and hands-on training on the use of the Gladiator Autonomous Receiver (GAR) for mobile drive testing. Received instruction directly from the cellular providers and their engineers for each of the four major cellular carriers, AT&T, T-Mobile, U.S. Cellular, and Verizon. Received legal training and instruction on providing expert witness testimony.

CAST Critical Incident Readiness Assessment (June 2021) – 32 hour field training exercise focused on mobile device geolocation related to critical incidents in a time-sensitive environment. The course utilized practical case scenarios requiring students to apply their understanding of cellular theory to the analysis of CDRs with historical cell site information to identify a target device and user, geolocate the device or devices, and produce a graphic report illustrating their findings.

CAST Advanced Historical Cell Site Analysis Course (April 2021) – 40 hours of instruction on cellular theory and analysis of CDRs with historical cell site information through hands-on analysis of various case studies. Discussion of the network setup and records of each cellular provider. Instruction on creation of cellular analysis reports.

CAST Basic Historical Cell Site Analysis Course (June 2019) - 24 hours of instruction including an introduction to cellular theory and the analysis of CDRs with historical cell site information from the major cellular providers.

Reserve Naval Intelligence Officer Basic Course (March 2019, February 2020) – 264 hours of instruction in the various disciplines of intelligence including geospatial and signals intelligence collection, intelligence analysis, and the intelligence cycle. Instruction on naval operations and intelligence in the maritime domain as well as in support of naval and joint operations ashore.

Federal Bureau of Investigation New Agents Training (June – September 2002) – 16 week basic training course for new Agents including legal, procedural, investigational, technical, firearms, and tactical instruction.

Connecticut Police Officer Standard and Training Council Police Academy (September 1996 – January 1997) – 16 week basic training course for police officers including legal, procedural, operational, firearms, and tactical instruction.

AWARDS

- FBI Director's Award for Distinguished Service to the Law Enforcement Community (2016)
- FBI Director's Award for Excellence in the HUMINT Program (2011)

INSTRUCTION PROVIDED

- CAST Basic Historical Cell Site Analysis Course, Boston, MA (July 2022) – 80 students
- International Homicide Investigator's Association – CAST Overview, Nashua, NH (May 2022) – 75 students
- CAST Basic Historical Cell Site Analysis Course, New York, NY (February 2022) – 32 students
- CAST Basic Historical Cell Site Analysis Course, Newark, NJ (December 2021) – 25 students

EXPERT TESTIMONY

- *U.S. v. AL MALIK ALSHAHHI, ET AL*, U.S. District Court for the Eastern District of New York (October 2022)
- *U.S. v. ANTHONY ZOTTOLA, ET AL*, U.S. District Court for the Eastern District of New York (October 2022)
- *U.S. v. ANTHONY PANDRELLA*, U.S. District Court for the Eastern District of New York (June 2022)
- *U.S. v. TAWANNA HILLIARD*, U.S. District Court for the Eastern District of New York (April 2022)
- *U.S. v. ERIC SPENCER*, U.S. District Court for the Southern District of New York (March 2022)
- *U.S. v. ZHONGSAN LIU*, U.S. District Court for the Southern District of New York (March 2022)
- *U.S. v. TYREIK JACKSON*, U.S. District Court for the Eastern District of New York (February 2022)

Updated October 2022